IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Nicholas Martin, individually and on behalf of a class	)	1:10-cv-7725
	)	Judge St. Eve
Plaintiff,	)	
v.	)	
	)	
Bureau of Collection Recovery, LLC,	)	
	)	
Defendant.	)	

JOINT INITIAL STATUS REPORT

1. The Nature of the Case

A. Identify the attorneys of record for each party, including the lead trial attorney.

Alexander H. Burke for plaintiff, and James Vlahakis for defendant.

B. State the basis for federal jurisdiction.

There is federal question jurisdiction because this case arises under the laws of the United States.

C. Describe the nature of the claims asserted in the complaint and any counterclaims.

Plaintiff alleges that the defendant, which is a debt collection agency, improperly called him on his cellular telephone using an automatic telephone dialing system and prerecorded or artificial voice, in violation of the Telephone Consumer Protection Act, 47 U.S.C. §227(b).

Defendant denies that it used any equipment that is regulated by the TCPA, contends that plaintiff consented to receive such calls and denies that class certification is proper.

D. State the major legal and factual issues in the case.

Major factual issues will be whether defendant's equipment is regulated by the TCPA, and whether defendant was entitled to make the challenged calls because the recipients consented.

E. Describe the relief sought by the plaintiff(s).

Plaintiff seeks statutory damages for himself and the class, which are $500 per call, or $1,500 per call if found to be willful. Plaintiff also seeks to enjoin defendant from further violations.

2. Pending Motions and Case Plan

A. Identify All Pending Motions

Plaintiff brought a motion before Judge Dow to designate this case as "related" to Vance v. Bureau of Collection Recovery, 1:10-cv-6324. Plaintiff's motion for class certification was denied without prejudice as premature by this Court.

B. Submit a proposal for a discovery plan, including the following information:

A. The general type of discovery needed;

Plaintiff will need discovery regarding how defendant's dialer works, the class members' identities, and any "prior express consent" defendant purports to have as to any one of them.

B. A date for Rule 26(a)(1) disclosures;

February 11, 2011

C. A date to issue written discovery;

February 28, 2011

D. A fact discovery completion date;

October 31, 2011

E. An expert discovery completion date, including dates for the delivery of expert reports; and

November 30, 2011

E. A date for the filing of dispositive motions.

C. With respect to trial, indicate the following:

A. Whether a jury trial is requested; and

Plaintiff has requested a jury trial.

B. The probable length of trial; and

Trial will likely take three days, although the case is likely to be disposed of through summary judgment.

3. Consent to Proceed Before a Magistrate Judge

The parties do not unanimously consent to proceed before a magistrate judge.

4. Status of Settlement Discussions

Plaintiff is open to a class settlement, but needs to know the number of class members and the number of calls, first.

/s/Alexander H. Burke
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